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REMARKS

Claims 1-4, 6-10, and 12-22 were pending and stand rejected. None of the claims has been amended.

Claims 1-4, 13, 15-17, and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yamato. Applicant respectfully traverses. Claim 1 recites:

A method for quantifying asymmetry of body positions during a movement, comprising:

- determining a first set of data that comprises positions of a first limb as the first limb performs the movement;
- determining a second set of data that comprises positions of a second limb as the second limb performs a similar movement;
- generating a shape based on the first set of data and the second set of data;
- and
- determining a value of a characteristic of the generated shape.

Yamato discusses processing a walking pattern based on foot pressure distribution over time (title; abstract). In Yamato, a two-dimensional image 23 is generated to help analyze a walking pattern (6:10-22; FIG. 4). Yamato discusses using image 23 to determine various feature parameters, such as stride length, step length, step width, stride duration, step duration, double stance duration, and swing duration (4:10-18).

Assume, *arguendo*, that image 23 corresponds to the claimed element “a shape based on the first set of data and the second set of data.” Yamato does not disclose, teach, or suggest “determining a value of a characteristic of” image 23. While Yamato does discuss determining various feature parameters, these feature parameters concern the walking pattern represented by image 23, not image 23 itself. Image 23 includes one or more images of foot pressure mass regions 22, which look like footprints (FIG. 4). A “characteristic” of image 23 could be, for example, an area or orientation of a foot pressure mass region 22 (see, e.g., ¶36 of the pending

application). Thus, Yamato does not disclose, teach, or suggest the claimed element “determining a value of a characteristic of the generated shape.”

Claim 1 is therefore patentable over Yamato. Claim 13 recites similar language to claim 1 and is also patentable over Yamato, for at least the foregoing reasons.

Claims 6-8, 10, 12, 14, and 21-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamato in view of Hershler. Applicant respectfully traverses.

Claim 14 recites, in part, “determining a value of a characteristic of the generated shape.” As explained above, Yamato does not disclose, teach, or suggest this element. Hershler does not remedy this deficiency. Hershler discusses using angle-angle diagrams to plot two selected lower limb angles against each other for corresponding instants of time (abstract). As explained in the response to the previous office action, Hershler does not disclose, teach, or suggest the claimed element “generating a shape based on the first set of data and the second set of data.” Thus, Hershler also does not disclose, teach, or suggest “determining a value of a characteristic of the generated shape.”

Thus, neither Yamato nor Hershler, alone or in combination, discloses the claimed element “determining a value of a characteristic of the generated shape.” Claim 14 is therefore patentable over Yamato and Hershler, alone and in combination. Additionally, for the record, Applicant traverses the Examiner’s assertions concerning the motivation to combine Yamato and Hershler.

Claim 12 recites similar language to claim 14 and is also patentable over Yamato and Hershler, alone and in combination, for at least the foregoing reasons.

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamato in view of Hershler further in view of Goswami. Claim 18 was rejected under 35 U.S.C. § 103(a) as

being unpatentable over Yamato in view of Nishibe. Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamato in view of Kolich. Applicant respectfully traverses.


The claims not specifically mentioned above, including claims 2-4, 6-10, and 15-22, depend from their respective base claims, which were shown to be patentable over Yamato or Yamato in view of Hershler. In addition, these claims recite other features not included in their respective base claims. Thus, these claims are patentable over Yamato or Yamato in view of Hershler, for at least the reasons discussed above, as well as for the elements that they individually recite.

For the record, Applicant traverses the Examiner's assertions concerning the disclosures of Hershler, Goswami, Nishibe, and Kolich. Applicant also traverses the Examiner's assertions concerning the motivations to combine Yamato, Hershler, and Goswami; Yamato and Nishibe; and Yamato and Kolich.

Applicant respectfully submits that the pending claims are now allowable over the cited art of record and requests that the Examiner allow this case. The Examiner is invited to contact the undersigned in order to advance the prosecution of this application.

Respectfully submitted,
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